

U.S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

Case Name & No.: ELIJAH JOHNSON V. CITY OF SYRACUSE, ET AL.,
5:16-cv-622 (BKS/DEP)

SECOND AMENDED EXHIBIT LIST

Date of Trial: June 12, 2019

PRESIDING JUDGE: Hon. Brenda K. Sannes

☐ Plaintiff ☒ Defendant ☐ Court

Exhibit Number	Marked for Identification	Admitted in Evidence	Remarks	Witness	Exhibit Description
D-1					Map of area where parties occurred
Intentionally blank					
D-2-A		Stipulated into Evidence			Photograph DSC_0062
D-2-B		Stipulated into Evidence			Photograph DSC_0044
D-2-C		Stipulated into Evidence			Photograph DSC-0046
D-2-D		Stipulated into Evidence			Photograph DSC-0047
D-2-E		Stipulated into Evidence			Photograph DSC-0048

D-2-F		Stipulated into Evidence			Photograph DSC-0049
D-2-G		Stipulated into Evidence			Photograph DSC-0051
D-2-H		Stipulated into Evidence			Photograph DSC-0052
D-2-I		Stipulated into Evidence			Photograph DSC-0054
D-2-J		Stipulated into Evidence			Photograph DSC-0055
D-2-K		Stipulated into Evidence			Photograph DSC-0057
D-2-L		Stipulated into Evidence			Photograph DSC-0058
D-2-M		Stipulated into Evidence			Photograph DSC-0092
D-2-N		Stipulated into Evidence			Photograph DSC-0093
D-2-O		Stipulated into Evidence			Photograph DSC-0095
D-2-P		Stipulated into Evidence			Photograph DSC-0096
D-2-Q		Stipulated into Evidence			Photograph DSC-0097
D-2-R		Stipulated into Evidence			Photograph DSC-0098
D-2-S					Photograph DSC-0099

D-2-T		Stipulated into Evidence			Photograph DSC-0101
D-2-U		Stipulated into Evidence			Photograph DSC-0102
D-2-V		Stipulated into Evidence			Photograph DSC-0103
D-2-W		Stipulated into Evidence			Photograph DSC-0105
D-2-X		Stipulated into Evidence			Photograph DSC-0107
D-2-Y		Stipulated into Evidence			Photograph DSC-0108
D-2-Z		Stipulated into Evidence			Photograph DSC-0111
D-2-AA		Stipulated into Evidence			Photograph DSC-0112
D-2-BB		Stipulated into Evidence			Photograph DSC-0113
D-2-CC		Stipulated into Evidence			Photograph DSC-0125
D-2-DD		Stipulated into Evidence			Photograph DSC-0127
D-2-EE					Photograph DSC-0132
D-2-FF					Photograph DSC-0134
D-2-GG					Photograph DSC-0137

D-2-HH		Stipulated into Evidence			Photograph DSC-0138
D-2-II		Stipulated into Evidence			Photograph DSC-0142
D-2-JJ					Photograph DSC-0143
D-2-KK					Photograph DSC-0144
D-2-LL					Photograph DSC-0147
D-2-MM					Photograph DSC-0148
D-2-NN		Stipulated into Evidence			Photograph DSC-0152
D-2-OO					Photograph DSC-0184
D-2-PP					Photograph DSC-0188
D-3					DCJS Use of Force Materials
D-4					Disc containing Onondaga County 911 Call Center calls on July 6, 2014 re: Comstock and Miles Ave
D-4-A					Disc containing Police Radio traffic from July 6, 2014
D-5					Computer Aided Dispatch (CAD) notes from July 5-6, 2014

D-6					DR Summary (DR 14-335189)
D-6-A					Incident Summary Report, Comstock Ave. (DR 14-335189)
D-6-B					Incident Summary Report, Sumner Ave. (DR 14-335270)
D-6-C					Incident Summary Report, Miles Ave. (DR 14-335280)
D-7		Stipulated into Evidence			Booking video (redacted for sound at 00:47-00:55)
D-8					Use of Force Model
D-9					SPD training materials
D-10					Mauro Police Report (DR 14-335189)
D-11					Quonce Report (DR 14-335189)
D-12					LaShomb Report (DR 14-335189)

D-13					Gunsalus Police Report (DR 14-335189)
D-14					Kelley Police Report (DR 14-353470)
D-15					Certified Certificate of Disposition re: rioting and trespassing (redacted)
D-16					Certified Certificate of Disposition re: harassment (redacted)
D-17					Misdemeanor Criminal Information re: rioting
D-18					Violation Criminal Information re: trespassing
D-19					Violation Criminal Information re: harassment
D-20					Transcript from plea allocution related to harassment charge
D-21					Online complaint sent 7/6/14

D-22					Plaintiff's apology letter
Intentionally blank					
D-23-A					Social Media - Panorama of Comstock Ave., 07/06/2014
D-23-B					Social Media - Sumner Ave., 07/06/2014
D-23-C					Social Media - 07/07/2014 Twitter Post, Kenny McFadden
D-23-D					Social Media - 07/26/2014 Twitter Post, Elijah Johnson
D-23-E					Social Media - 08/02/2014 and 08/06/2014 Twitter Posts, Elijah Johnson
D-23-F					Social Media - 08/19/2014 and 08/23/2014 Twitter Posts, Elijah Johnson

D-23-G					Social Media - “315Bangers” social media account
D-24					Impound Report
D-25					Memo from Ralph Bowering to Captain Galvin dated 7/26/14
D-25-A					Memo from Ralph Bowering to Captain Galvin dated 11/04/14
D-26					First Cell Phone Video of Mario Franco, 07/05/2014
D-27					Second Cell Phone Video of Mario Franco, 07/05/2014
D-28					Photograph of Mario Franco taken by SPD, dated 07/05/2014 (DSC_0092)
D-29					Photograph of John Gunsalus taken by SPD, dated 07/06/2014 (DSC_0117)

D-30					Excerpt of “Generations’ Redemption at Faith Hope Community Center” video, featuring Elijah Johnson, published on YouTube.com
D-31					Videos of Elijah Johnson boxing published on YouTube.com
D-32					Home-video of Elijah Johnson boxing (00:08 minute clips)
D-33					Civilian Complaint Form to SPD’s Office of Professional Standards, handwritten.
D-34					Amended Civilian Complaint Form to SPD’s Office of Professional Standards.
D-35					Plaintiff’s Notice of Claim
D-36					Plaintiff’s Complaint (unamended) (Dkt. No. 1)
D-37					Mario Franco’s Notice of Claim

D-38		Stipulated into Evidence			John Johnson's Photographs of Plaintiff dated July 6, 2014
D-38-A		Stipulated into Evidence			John Johnson Photo 1
D-38-B		Stipulated into Evidence			John Johnson Photo 2
D-38-C		Stipulated into Evidence			John Johnson Photo 3
D-38-D		Stipulated into Evidence			John Johnson Photo 4
D-38-E		Stipulated into Evidence			John Johnson Photo 5
D-38-F		Stipulated into Evidence			John Johnson Photo 6
D-38-G		Stipulated into Evidence			John Johnson Photo 7

D-38-H		Stipulated into Evidence			John Johnson Photo 8
D-38-I		Stipulated into Evidence			John Johnson Photo 9
D-39					SPD Policy – Vol. 1. Art. 3, Sect. 9 Arresting, Processing, & Transporting Prisoners
D-40		Stipulated into Evidence			Elijah Johnson July 6, 2014 redacted Upstate Medical Records
D-41		Stipulated into Evidence			Elijah Johnson Justice Center Medical Records
D-42					Elijah Johnson Justice Center Booking Records
D-43					USA Boxing Buffalo Certified Records
D-44					Boxing Event Poster, 04/05/2014

D-45					Employment Letter from Empire State Professionals, Inc.
D-46					Email from Michael Henry, dated 07/18/2014
D-47					Amended Complaint (Dkt. No. 22)
D-48					Stipulation of Discontinuance against Gunsalus, Hard, and Mims.

DEMONSTRATIVE EXHIBITS:

Demonstrative # 1					Overhead street view of Miles Ave.
Demonstrative # 2					Overhead schematic of back driveway of 223 Miles Ave.
Demonstrative # 3					Satellite Map of the 100 block of Comstock Ave.
Demonstrative # 4					Satellite Map of the 700 block of Sumner Ave.
Demonstrative # 5					Satellite Map of all involved blocks.

1. Defendants reserve the right to supplement this exhibit list with additional exhibits as needed and depending on the evidence offered by Plaintiff at trial.
2. This exhibit list does not include impeachment exhibits.

DATED: June 11, 2019
Syracuse, New York

Respectfully submitted,

/S/

OFFICE OF THE CORPORATION COUNSEL
OF THE CITY OF SYRACUSE
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